



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF THE
GENERAL COUNSEL

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April 24, 2019

Honorable Jose L. Linares
United States District Judge
U.S. Post Office & Courthouse
Federal Square
Newark, New Jersey 07102

Re: **Gentile v. Securities and Exchange Commission, Civil Action No. 19-5155**

Dear Judge Linares:

The Securities and Exchange Commission, defendant in the above-captioned matter, writes in response to the letter by counsel for plaintiff Guy Gentile, which was submitted to this Court on April 24, 2019. Plaintiff argues that the “SEC has taken a diametrically opposite position in the Florida subpoena enforcement proceeding than that argued here.” Plaintiff mischaracterizes the statements in this matter and the Florida enforcement proceedings, and the SEC disagrees with the argument in Plaintiff’s letter. In light of the Court’s April 17, 2019 Text Order, we will not present any reply argument here. However, counsel for the SEC can respond if the Court would like additional briefing on this narrow point.

Respectfully submitted,

/s/ Matthew S. Ferguson
Matthew S. Ferguson
Senior Counsel
Office of the General Counsel
United States Securities and Exchange Commission

CC: Counsel
(via ECF)